

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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COMMUNITY ASSOCIATION	:	
UNDERWRITERS OF AMERICA, INC., as	:	
subrogor of Stony Brook Condominiums, Inc.,	:	
Plaintiff,	:	<b><u>ORDER</u></b>
v.	:	
	:	16 CV 8509 (VB)
AIDA FELICIANO; AISHA FELICIANO;	:	
and ALBERTO FELICIANO,	:	
Defendants.	:	
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By letter-motion dated July 28, 2020, defendants Aisha and Alberto Feliciano (the “moving defendants”), who were proceeding pro se but are now represented by counsel, request a pre-motion conference regarding an anticipated motion to reopen expert discovery for thirty days so that they may serve the other parties with a report by Dr. Craig Beyler, the moving defendants’ recently retained expert, and allow the other parties to depose Dr. Beyler. (Doc. #108). According to the moving defendants, plaintiff opposes the instant request, but co-defendant Aida Feliciano does not oppose the request.

A pre-motion conference to discuss the anticipated motion is not necessary. For the reasons set forth in the moving defendants’ submission (Doc. #108), the application to reopen expert discovery for a limited purpose is GRANTED.

Accordingly, it is HEREBY ORDERED:

1. By July 30, 2020, Aisha and Alberto Feliciano shall serve all other parties with Dr. Beyler’s expert report.
2. Aisha and Alberto Feliciano shall make Dr. Beyler available for a deposition either in person or by remote means pursuant to Fed. R. Civ. P. 30(b)(4), which shall be completed by August 31, 2020.
3. The previously scheduled pretrial submissions dates are revised as follows: By September 25, 2020, the parties shall file proposed voir dire, any motions in limine, joint proposed jury instructions, and a joint proposed verdict form. (See Section 4.B of Judge Briccetti’s Individual Practices). The parties’ joint proposed jury instructions and joint proposed verdict form shall each consist of a single document, noting any areas of disagreement between the parties. The proposed instructions should include the text of any requested instruction as well as a citation, if available, to the authority from which it derives. The proposed instructions and verdict form should also be submitted by email to Chambers in Word format. Oppositions to motions in limine, if any, are due October 2, 2020.

4. Although a jury trial in this case has been scheduled for November 2, 2020, in light of the ongoing public health emergency, the Court cannot at this time guarantee that trial will commence as scheduled on that date. Although the Court does plan to resume conducting jury trials this fall, social distancing mandates and other health-safety considerations limit the number of jury trials that may be conducted in the courthouse. Moreover, jury trials in criminal cases will take precedence over jury trials in civil cases. As a result, previously scheduled civil jury trials, including this one, may need to be rescheduled.
5. The Court will hold a telephonic status conference at September 4, 2020, at 3:00 p.m., to address trial-scheduling matters and the concerns mentioned above. The Court may decide to place this case on a civil case trial-ready backup calendar, to be called in for trial on short notice. All counsel shall be prepared to advise the Court as to the minimum notice they will reasonably require for that purpose.
6. Counsel for all parties shall attend the September 4, 2020, status conference by calling the following number and entering the access code when requested:

**Number:** (888) 363-4749 (toll-free) or (215) 446-3662

**Access Code:** 1703567

The Clerk is instructed to terminate the letter-motion. (Doc. #108).

Dated: July 29, 2020  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti  
United States District Judge